

1 Introduced by Committee on Government Operations and Military Affairs

2 Date:

3 Subject: Professions and occupations

4 Statement of purpose of bill as introduced: This bill proposes to modify the  
5 misconduct discipline processes, add cosmetology to what State correctional  
6 facilities may offer as courses of instruction without a certificate of approval  
7 from the Director, modify biennial license renewal requirements for  
8 osteopathic physicians, add specificity to what pharmacists may prescribe  
9 regarding self-administered hormonal contraceptives and vaccinations, and  
10 exempting persons dispensing over-the-counter hearing aids from provisions  
11 for audiologists and hearing aid dispensers.

12 An act relating to professions and occupations regulated by the Office of  
13 Professional Regulation

14 It is hereby enacted by the General Assembly of the State of Vermont:

15 \* \* \* Office of Professional Regulation \* \* \*

16 Sec. 1. 3 V.S.A. § 129 is amended to read:

17 § 129. POWERS OF BOARDS OR OF DIRECTOR IN ADVISOR

18 PROFESSIONS; DISCIPLINE PROCESS

19 \* \* \*

1           (e)(1) When a board or the Director, in the case of professions that have  
2           advisor appointees, intends to deny an application for a license based on the  
3           applicant’s past or current unprofessional conduct or based on an ongoing  
4           investigation of the applicant, in Vermont or elsewhere, for unprofessional  
5           conduct, the board or Director shall send the applicant written notice of the  
6           decision by certified mail. The notice shall include a statement of the reasons  
7           for the action and shall advise the applicant that the applicant may file a  
8           petition within 30 days ~~of~~ after the date on which the notice is mailed with the  
9           board or the Director for review of ~~its or his or her~~ the board’s or Director’s  
10          preliminary decision.

11           ~~(2)(A)~~ At the review hearing, the applicant shall bear the burden of  
12          proving that the preliminary denial should be reversed and that the license  
13          should be granted.

14           ~~(3)(B)~~ After the hearing, the board or Director shall affirm or reverse the  
15          preliminary denial, explaining the reasons therefor in writing.

16           (2) The decision of a board or the Director, in the case of professions  
17          that have advisor appointees, to deny an application for a license based on a  
18          finding by the board or the Director that the applicant has not fulfilled the  
19          qualifications or met the standards required for licensure shall be a final  
20          decision of the board or Director.



1 and prosecution of the matter being heard. The Director shall establish by rule  
2 the process for designating a hearing panel.

3 (2) If there is an insufficient number of board members to serve on a  
4 hearing panel by reason of disqualification, resignation, vacancy, or necessary  
5 absence, the Director may appoint ad hoc members to serve on the hearing  
6 panel for that matter only.

7 (3) If a board is unable to convene in a timely manner to hear a  
8 disciplinary matter or to appoint a hearing panel, the Director may designate a  
9 hearing panel to hear a matter that would otherwise be heard by the full board.  
10 If the Director appoints a hearing panel, the Director shall follow the  
11 requirements of subdivisions (1) and (2) of this subsection.

12 (4) A hearing panel shall be designated solely upon the request and  
13 decision of the board or the Director and in accordance with this subsection  
14 and rules adopted by the Director in accordance with 3 V.S.A. chapter 25.

15 Sec. 2. 3 V.S.A. § 136 is amended to read:

16 § 136. UNIFORM CONTINUING EDUCATION EVALUATION; ~~SUNSET~~  
17 ~~REVIEW~~ AND FORUM

18 (a)(1) If continuing education is required by law or rule, the Office shall  
19 apply uniform standards and processes that apply to all professions regulated  
20 by the Office for the assessment and approval or rejection of continuing

1 education offerings, informed by profession-specific policies developed in  
2 consultation with relevant boards and advisor appointees.

3 ~~(b)(1)(2)(A)~~ Not less than once every five years, each profession attached  
4 to the Office shall review its continuing education or other continuing  
5 competency requirements. The review results shall be in writing and address  
6 the following:

7 ~~(A)(i)~~ the renewal requirements of the profession;

8 ~~(B)(ii)~~ the renewal requirements in other jurisdictions, particularly in  
9 the Northeast region;

10 ~~(C)(iii)~~ the cost of the renewal requirements for the profession's  
11 licensees;

12 ~~(D)(iv)~~ an analysis of the utility and effectiveness of the renewal  
13 requirements with respect to public protection; and

14 ~~(E)(v)~~ recommendations to the Director on whether the continuing  
15 education or other continuing competency requirements should be modified.

16 ~~(2)(B)~~ The Director shall respond to the profession within 45 days ~~of~~  
17 after its submitted review results. The Director may require a profession to  
18 reduce, modify, or otherwise change the renewal requirements, including by  
19 proposing any necessary amendments to statute or rule.

20 (b) When completion of continuing education is required for renewal of a  
21 license regulated under this title, synchronous virtual continuing education

1 courses shall qualify as live, in-person training and be accepted for renewal of  
2 the professional license.

3 \* \* \* Barbers and Cosmetologists \* \* \*

4 Sec. 3. 26 V.S.A. 281 is amended to read:

5 § 281. POSTSECONDARY SCHOOL OF BARBERING AND  
6 COSMETOLOGY; CERTIFICATE OF APPROVAL

7 \* \* \*

8 (b) Regional vocational centers may offer courses of instruction in  
9 barbering or cosmetology without a certificate of approval from the Director,  
10 and State correctional facilities may offer courses of instruction in barbering  
11 and cosmetology without a certificate of approval from the Director; however,  
12 hours for licensing shall only be given for courses that meet the Director's  
13 standards for courses offered in postsecondary schools of barbering or  
14 cosmetology certified by the Director.

15 \* \* \*

16 \* \* \* Osteopathy \* \* \*

17 Sec. 4. 26 V.S.A. § 1836 is amended to read:

18 § 1836. BIENNIAL RENEWAL OF LICENSE; CONTINUING  
19 EDUCATION

20 (a)(1) ~~Licenses shall be renewed every two years.~~ A license issued under  
21 this chapter shall be renewed every two years upon application, payment of the

1 required fee, and proof of completion of required continuing education.

2 Failure to comply with the provisions of this section shall result in the  
3 suspension of all privileges granted to the licensee, beginning on the expiration  
4 date of the license.

5 (2) A license that has lapsed shall be renewed upon payment of the  
6 biennial renewal fee and the late renewal penalty.

7 ~~(b) Biennially, the Board shall forward a renewal form to each licensee.~~  
8 ~~Upon receipt of the completed form, evidence of compliance with the~~  
9 ~~provisions of subsection (e) of this section, and the renewal fee, the Board shall~~  
10 ~~issue a new license. The Director may adopt rules necessary for the protection~~  
11 ~~of the public to assure that an applicant whose license has lapsed or who has~~  
12 ~~not worked for more than three years as an osteopathic physician is~~  
13 ~~professionally qualified for license renewal. Conditions imposed under this~~  
14 ~~subsection shall be in addition to the requirements of subsection (a) of this~~  
15 ~~section.~~

16 (c) As a condition of renewal a licensee shall complete a minimum of 30  
17 hours of continuing medical education, ~~approved by the Board by rule,~~ during  
18 the preceding two-year period. ~~At least 40 percent of these hours must be~~  
19 ~~osteopathic medical education. The 30 hours of continuing medical education~~  
20 ~~shall meet the requirements established by the Board by rule.~~

21 \* \* \*



1 (v) self-administered hormonal contraceptives, including  
2 subcutaneous depot medroxyprogesterone acetate;

3 \* \* \*

4 (vii) ~~influenza vaccines~~ for patients 18 years of age or older,  
5 vaccinations recommended by the Centers for Disease Control and  
6 Prevention’s Advisory Committee on Immunization Practices (ACIP) and  
7 administered consistently with the ACIP-approved immunization schedules, as  
8 may be amended from time to time;

9 \* \* \*

10 Sec. 7. 26 V.S.A. § 2061 is amended to read:

11 § 2061. REGISTRATION AND LICENSURE

12 \* \* \*

13 (e) Retail and institutional drug outlets shall be managed by licensed  
14 pharmacists who have held an unrestricted license in this or another state ~~for at~~  
15 ~~least one year~~. A pharmacist who holds a restricted license may petition the  
16 Board for permission to be a pharmacist manager, which may be granted by  
17 the Board for good cause shown.

18 \* \* \*

19 \* \* \* Audiologists and Hearing Aid Dispensers \* \* \*

20 Sec. 8. 26 V.S.A. § 3286 is amended to read:

21 § 3286. EXEMPTIONS

